

## RCRA REVISION CHECKLIST 191

Mixed Waste Rule  
 66 FR 27218-27266  
 May 16, 2001  
 (RCRA Cluster XI, non-HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE

PART 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES  
 AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

†,1,2 SUBPART N – CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE,  
 TREATMENT, TRANSPORTATION AND DISPOSAL

WHAT DEFINITIONS APPLY TO THIS SUBPART?

the following special definitions are added:	266.210 intro					
“Agreement State”	266.210					
“Certified delivery”	266.210					
“Director”	266.210					
“Eligible Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM)”	266.210					
“Exempted waste”	266.210					
“Hazardous waste”	266.210					
“Land Disposal Restriction (LDR) Treatment Standards”	266.210					
“License”	266.210					
“Low-Level Mixed Waste (LLMW)”	266.210					
“Low-Level Radioactive Waste (LLW)”	266.210					
“Mixed Waste”	266.210					
“Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM)”	266.210					

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
"NRC"	266.210					
"We or us"	266.210					
"You"	266.210					
<b>WHAT DOES A STORAGE AND TREATMENT CONDITIONAL EXEMPTION DO?</b>						
LLMW exempt from 261.3 if certain criteria or conditions met	266.220					
<b>WHAT WASTES ARE ELIGIBLE FOR THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION?</b>						
eligible if generated and managed under license	266.225					
<b>WHAT CONDITIONS MUST YOU MEET FOR YOUR LLMW TO QUALIFY FOR AND MAINTAIN A STORAGE AND TREATMENT EXEMPTION?</b>						
notification in writing by certified delivery; notification information; signature requirements; timeliness	266.230(a)					
to qualify for and maintain LLMW exemption:	266.230(b) intro					
storage, training, inventory, inspection and emergency plan requirements	266.230(b)(1)-(5)					
<b>WHAT WASTE TREATMENT DOES THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION ALLOW?</b>						
treatment in licensed tanks or containers; treatment requiring RCRA permit is not allowed	266.235					
<b>HOW COULD YOU LOSE THE CONDITIONAL EXEMPTION FOR YOUR LLMW AND WHAT ACTION MUST YOU TAKE?</b>						
failing to meet 266.230 conditions; non-exempt waste and storage unit immediately subject to RCRA requirements	266.240(a) intro					

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
failure to meet 266.230 conditions requires written report within 30 days; certification; report must include:	266.240(a)(1) intro					
specific conditions failed; storage location; dates failed	266.240(a)(1)(i)-(iii)					
failure endangering human health or environment requires oral notification and written follow up; qualifying failures; emergency plan must be followed	266.240(a)(2)					
termination of exemption for serious or repeated noncompliance	266.240(b)					

## IF YOU LOSE THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION FOR YOUR LLMW, CAN THE EXEMPTION BE RECLAIMED?

exemption may be reclaimed if:	266.245(a) intro					
266.230 conditions are again met; and	266.245(a)(1)					
notification that exemption is being reclaimed; signature requirements; notice must:	266.245(a)(2) intro					
explain each failure; certification; action taken; other information	266.245(a)(2)(i)-(iv)					
factors which can terminate a reclaimed exemption; additional conditions may be added	266.245(b)					

## WHAT RECORDS MUST YOU KEEP AT YOUR FACILITY AND FOR HOW LONG?

records must be kept as follows:	266.250(a) intro					
initial notification, return receipts, failure reports and exemption reclaim records; inventories, inspections, training, emergency plan	266.250(a)(1)-(4)					

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
retention periods for notification, training, emergency plan, inventory and inspection records	266.250(b)					

**WHEN IS YOUR LLMW NO LONGER ELIGIBLE FOR THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION?**

when waste meets decay-in-storage requirements and can be disposed; waste becomes subject to RCRA and accumulation period begins	266.255(a)					
once removed from storage, no longer eligible for exemption; 266.305 exemption may apply	266.255(b)					

**DO CLOSURE REQUIREMENTS APPLY TO UNITS THAT STORED LLMW PRIOR TO THE EFFECTIVE DATE OF SUBPART N?**

units not subject to closure requirements; units subject to closure requirements	266.260					
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**WHAT DOES THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION DO?**

waste exempted from 261.3 if conditions are met	266.305					
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**WHAT WASTES ARE ELIGIBLE FOR THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION?**

eligible waste must be:	266.310 intro					
a LLMW as defined in 266.210 that meets LLRWDF criteria; and/or	266.310(a)					
an eligible NARM waste, defined in 266.210	266.310(b)					

**WHAT ARE THE CONDITIONS YOU MUST MEET FOR YOUR WASTE TO QUALIFY FOR AND MAINTAIN THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION?**

following conditions must be met for exemption:	266.315 intro					
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## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
eligible waste meets LDR treatment standards	266.315(a)					
manifested and transported according to NRC regulations	266.315(b)					
waste meets container storage requirements	266.315(c)					
waste disposed of at designated LLRWDF	266.315(d)					
<b>WHAT TREATMENT STANDARDS MUST YOUR ELIGIBLE WASTE MEET?</b>						
LLMW or eligible NARM must meet 268 subpart D LDR treatment standards	266.320					
<b>ARE YOU SUBJECT TO THE MANIFEST AND TRANSPORTATION CONDITION IN § 266.315(b)?</b>						
must meet manifest and transportation requirements	266.325					
<b>WHEN DOES THE TRANSPORTATION AND DISPOSAL EXEMPTION TAKE EFFECT?</b>						
exemption is effective when:	266.330 intro					
waste meets applicable LDR treatment standards	266.330(a)					
return receipts for notification are received	266.330(b)					
packaging and preparation requirements are completed and manifest is prepared, and	266.330(c)					
waste placed on vehicle destined for licensed LLRWDF	266.330(d)					
<b>WHERE MUST YOUR EXEMPTED WASTE BE DISPOSED OF?</b>						
waste must be disposed of in regulated and licensed LLRWDF	266.335					
<b>WHAT TYPE OF CONTAINER MUST BE USED FOR DISPOSAL OF EXEMPTED WASTE?</b>						

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
waste must be placed in containers before disposal that are:	266.340 intro					
carbon steel drum; or	266.340(a)					
equivalent performance of a carbon steel drum; or	266.340(b)					
high integrity container	266.340(c)					
<b>WHOM MUST YOU NOTIFY?</b>						
notification of exemption prior to initial shipment of waste; contents of dated written notice	266.345(a)					
notification before shipment of each exempted waste; return receipt required; notification to include:	266.345(b) intro					
notification requirements	266.345(b)(1)-(7)					
<b>WHAT RECORDS MUST YOU KEEP AT YOUR FACILITY AND FOR HOW LONG?</b>						
in addition to records required by license, records must:	266.350 intro					
follow applicable recordkeeping requirements	266.350(a)					
keep copy of all notifications for three years after last disposal	266.350(b)					
keep copy of all notifications and return receipts for three years after last waste disposed	266.350(c)					
keep copy of 266.345(b) notifications and return receipts for three years after disposal	266.350(d)					
keep all required documents related to waste tracking and 266.350(a)-(d) records	266.350(e)					

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
<b>HOW COULD YOU LOSE THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION FOR YOUR WASTE AND WHAT ACTIONS MUST YOU TAKE?</b>						
waste loses exemption if not managed in accordance with 266.315	266.355(a) intro					
failure to meet 266.315 conditions requires notification; must be certified; notification must include:	266.355(a)(1) intro					
notification requirements	266.355(a)(1)(i)-(iii)					
if failure endangers human health or environment, provide oral notification and written follow up	266.355(a)(2)					
termination of exemption or additional conditions required for noncompliance	266.355(b)					
<b>IF YOU LOSE THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION FOR A WASTE, CAN THE EXEMPTION BE RECLAIMED?</b>						
exemption reclaimed after notification of exemption loss, and if:	266.360(a) intro					
266.315 conditions are again met; and	266.360(a)(1)					
notification of reclaimed exemption; signature requirements; notice must:	266.360(a)(2) intro					
notification requirements	366.360(a)(2)(i)-(iv)					
reclaimed exemption may be terminated based on listed factors; conditions may be added	266.360(b)					

<sup>1</sup> Revision Checklist 191 added a new subpart N to part 266 (§§ 266.210 through 266.360).

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

<sup>2</sup> Note on page 27262 of 66 FR 27218-27266, the FR notice presents two versions of the title of subpart N. In column two, the subpart is entitled "Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal". In column three, the subpart is entitled "Conditional Exemption for Low-Level Mixed Waste Storage and Disposal". It was assumed the title in column two was the intended title.



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WHAT DEFINITIONS APPLY TO THIS SUBPART?

the following special definitions are added:	266.210 intro					
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“Director”	266.210					
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"We or us"	266.210					
"You"	266.210					
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LLMW exempt from 261.3 if certain criteria or conditions met	266.220					
<b>WHAT WASTES ARE ELIGIBLE FOR THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION?</b>						
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to qualify for and maintain LLMW exemption:	266.230(b) intro					
storage, training, inventory, inspection and emergency plan requirements	266.230(b)(1)-(5)					
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failure to meet 266.230 conditions requires written report within 30 days; certification; report must include:	266.240(a)(1) intro					
specific conditions failed; storage location; dates failed	266.240(a)(1)(i)-(iii)					
failure endangering human health or environment requires oral notification and written follow up; qualifying failures; emergency plan must be followed	266.240(a)(2)					
termination of exemption for serious or repeated noncompliance	266.240(b)					

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266.230 conditions are again met; and	266.245(a)(1)					
notification that exemption is being reclaimed; signature requirements; notice must:	266.245(a)(2) intro					
explain each failure; certification; action taken; other information	266.245(a)(2)(i)-(iv)					
factors which can terminate a reclaimed exemption; additional conditions may be added	266.245(b)					

## WHAT RECORDS MUST YOU KEEP AT YOUR FACILITY AND FOR HOW LONG?

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initial notification, return receipts, failure reports and exemption reclaim records; inventories, inspections, training, emergency plan	266.250(a)(1)-(4)					

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retention periods for notification, training, emergency plan, inventory and inspection records	266.250(b)					

## WHEN IS YOUR LLMW NO LONGER ELIGIBLE FOR THE STORAGE AND TREATMENT CONDITIONAL EXEMPTION?

when waste meets decay-in-storage requirements and can be disposed; waste becomes subject to RCRA and accumulation period begins	266.255(a)					
once removed from storage, no longer eligible for exemption; 266.305 exemption may apply	266.255(b)					

## DO CLOSURE REQUIREMENTS APPLY TO UNITS THAT STORED LLMW PRIOR TO THE EFFECTIVE DATE OF SUBPART N?

units not subject to closure requirements; units subject to closure requirements	266.260					
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## WHAT DOES THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION DO?

waste exempted from 261.3 if conditions are met	266.305					
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## WHAT WASTES ARE ELIGIBLE FOR THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION?

eligible waste must be:	266.310 intro					
a LLMW as defined in 266.210 that meets LLRWDF criteria; and/or	266.310(a)					
an eligible NARM waste, defined in 266.210	266.310(b)					

## WHAT ARE THE CONDITIONS YOU MUST MEET FOR YOUR WASTE TO QUALIFY FOR AND MAINTAIN THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION?

following conditions must be met for exemption:	266.315 intro					
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## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
eligible waste meets LDR treatment standards	266.315(a)					
manifested and transported according to NRC regulations	266.315(b)					
waste meets container storage requirements	266.315(c)					
waste disposed of at designated LLRWDF	266.315(d)					

## WHAT TREATMENT STANDARDS MUST YOUR ELIGIBLE WASTE MEET?

LLMW or eligible NARM must meet 268 subpart D LDR treatment standards	266.320					
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## ARE YOU SUBJECT TO THE MANIFEST AND TRANSPORTATION CONDITION IN § 266.315(b)?

must meet manifest and transportation requirements	266.325					
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## WHEN DOES THE TRANSPORTATION AND DISPOSAL EXEMPTION TAKE EFFECT?

exemption is effective when:	266.330 intro					
waste meets applicable LDR treatment standards	266.330(a)					
return receipts for notification are received	266.330(b)					
packaging and preparation requirements are completed and manifest is prepared, and	266.330(c)					
waste placed on vehicle destined for licensed LLRWDF	266.330(d)					

## WHERE MUST YOUR EXEMPTED WASTE BE DISPOSED OF?

waste must be disposed of in regulated and licensed LLRWDF	266.335					
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## WHAT TYPE OF CONTAINER MUST BE USED FOR DISPOSAL OF EXEMPTED WASTE?

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
waste must be placed in containers before disposal that are:	266.340 intro					
carbon steel drum; or	266.340(a)					
equivalent performance of a carbon steel drum; or	266.340(b)					
high integrity container	266.340(c)					
<b>WHOM MUST YOU NOTIFY?</b>						
notification of exemption prior to initial shipment of waste; contents of dated written notice	266.345(a)					
notification before shipment of each exempted waste; return receipt required; notification to include:	266.345(b) intro					
notification requirements	266.345(b)(1)-(7)					
<b>WHAT RECORDS MUST YOU KEEP AT YOUR FACILITY AND FOR HOW LONG?</b>						
in addition to records required by license, records must:	266.350 intro					
follow applicable recordkeeping requirements	266.350(a)					
keep copy of all notifications for three years after last disposal	266.350(b)					
keep copy of all notifications and return receipts for three years after last waste disposed	266.350(c)					
keep copy of 266.345(b) notifications and return receipts for three years after disposal	266.350(d)					
keep all required documents related to waste tracking and 266.350(a)-(d) records	266.350(e)					

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
<b>HOW COULD YOU LOSE THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION FOR YOUR WASTE AND WHAT ACTIONS MUST YOU TAKE?</b>						
waste loses exemption if not managed in accordance with 266.315	266.355(a) intro					
failure to meet 266.315 conditions requires notification; must be certified; notification must include:	266.355(a)(1) intro					
notification requirements	266.355(a)(1)(i)-(iii)					
if failure endangers human health or environment, provide oral notification and written follow up	266.355(a)(2)					
termination of exemption or additional conditions required for noncompliance	266.355(b)					
<b>IF YOU LOSE THE TRANSPORTATION AND DISPOSAL CONDITIONAL EXEMPTION FOR A WASTE, CAN THE EXEMPTION BE RECLAIMED?</b>						
exemption reclaimed after notification of exemption loss, and if:	266.360(a) intro					
266.315 conditions are again met; and	266.360(a)(1)					
notification of reclaimed exemption; signature requirements; notice must:	266.360(a)(2) intro					
notification requirements	366.360(a)(2)(i)-(iv)					
reclaimed exemption may be terminated based on listed factors; conditions may be added	266.360(b)					

<sup>1</sup> Revision Checklist 191 added a new subpart N to part 266 (§§ 266.210 through 266.360).

## RCRA REVISION CHECKLIST 191: Mixed Waste Rule (cont'd)

<sup>2</sup> Note on page 27262 of 66 FR 27218-27266, the FR notice presents two versions of the title of subpart N. In column two, the subpart is entitled "Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal". In column three, the subpart is entitled "Conditional Exemption for Low-Level Mixed Waste Storage and Disposal". It was assumed the title in column two was the intended title.